

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
PAUL J. SAMO, M.D.,	:	LS0812102MED
	:	
RESPONDENT.	:	

Division of Enforcement Case # 08 MED 240

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Paul J. Samo, M.D.
23249 180th Street
Grundy Center, IA 50638

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Medical Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Medical Examining Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Paul J. Samo, M.D., (DOB 08/08/1966) is duly licensed as a physician in the State of Wisconsin (license # 20-38644). This license was first granted on March 21, 1997. Respondent’s registration, pursuant to Wis. Stat. § 448.07, is due to expire on October 31, 2009.
2. Respondent's most recent address on file with the Wisconsin Medical Examining Board is 208 S. Adams Street, St. Croix Falls, Wisconsin, 54024. Upon information and belief, his current address is actually 23249 180th Street, Grundy Center, Iowa, 50638.

3. Respondent is a psychiatrist. While employed at a mental health clinic in Iowa, Respondent provided psychiatric services to Ms. A, who suffered from dissociative identity disorder.

4. Respondent became fixated on Ms. A. He came to Ms. A's house unannounced, under the guise of delivering medications, asked to come in, and tried to kiss her. She refused and convinced him to leave.

5. Ms. A reported Respondent's behavior to his employer. He was confronted, and admitted the behavior. He entered into an agreement that he would have no contact with Ms. A.

6. Despite the no-contact agreement, Respondent called Ms. A repeatedly, showed up at her house unannounced, told her that he loved her, and even suggested a suicide pact and threatened to kill her. These behaviors had a very negative impact on Ms. A's mental health.

7. Respondent has been diagnosed with Parkinson's disease. The medications that Respondent takes for Parkinson's disease have been known to cause impulsivity. These medications also can cause erotomania in a small percentage of patients.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 448.02, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. Respondent's conduct, as described in paragraphs 4-7 above, violations Wis. Admin. Code § Med 10.02(h), (i) and (zd),

ORDER

IT IS ORDERED:

1. The stipulation of the parties is approved.

2. The license of Paul Samo, M.D. to practice medicine and surgery in the State of Wisconsin is INDEFINITELY SUSPENDED.

3. Respondent may petition the Board for the termination of the suspension, under the following terms and conditions:

a. Respondent shall have, at Respondent's own expense, undergone assessments by (1) a mental health care provider experienced in evaluating psychiatrists who have engaged in inappropriate sexual behavior with or in the presence of a patient or former patient; (2) a psychiatrist experienced in the treatment of psychiatric disorders associated with Parkinson's disease; and (3) a physician experienced in the treatment of Parkinson's disease. If qualified on all grounds, one practitioner may perform more than one of the three required assessments.

The practitioner or practitioners performing these assessments must not have treated Respondent and shall have been approved by the Board or its designee, with an opportunity for the Division of Enforcement to make its recommendation, prior to the assessments being performed.

The practitioner's assessment report must provide proof sufficient to convince the Board that Respondent can practice with reasonable skill and safety of patients and public and does not suffer from any condition which prevents him from practicing in that manner. The Board may require a personal appearance by Respondent and by the assessing practitioner(s), in its discretion.

b. If the Board or its designee determines to end the suspension, Respondent's license shall be limited in a manner to address any concerns the Board or its designee has as a result of the conduct set out in the findings of fact and to address any recommendations resulting from the assessments, including, but not limited to:

- i. Treatment of Respondent's disease and management of any medication side effects.
- ii. Psychiatric treatment.
- iii. Psychotherapy, at Respondent's expense, by a therapist approved by the Board or its designee, to address specific treatment goals, with periodic reports to the Board or its designee by the therapist.
- iv. Additional professional education in any identified areas of deficiency.
- v. Restrictions on the nature of practice or practice setting or requirements for supervision of practice, by a professional approved by the Board or its designee, with periodic reports to the Board or its designee by the supervisor.

4. If Respondent believes that the Board or its designee's refusal to end the suspension is inappropriate or that any limitation imposed or maintained by the Board or its designee under paragraph 3d is inappropriate, Respondent may seek a class 1 hearing pursuant to §227.01(3)(a), Stats., in which the burden shall be on Respondent to show that the Board's or designee's decision is arbitrary or capricious. The suspension and/or limitations on Respondent's license shall remain in effect unless and until there is a final decision in Respondent's favor on the issue.

5. Prior to the termination of the indefinite suspension, Respondent shall have paid to the Department of Regulation and Licensing the costs of this proceeding in the amount of One Thousand Six Hundred Dollars (\$1,600.00) pursuant to § 440.22(2), Stats.

6. All requests, notifications and payment shall be mailed, faxed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

7. Violation of any term or condition of this Order, or of any limitation imposed under paragraph 3d above, may constitute grounds for revocation of Respondent's license to practice medicine and surgery in Wisconsin. Should the Board determine that there is probable cause to believe that Respondent has violated the terms of this Order, or any limitation imposed under paragraph 3d above, the Board may order that Respondent's license be summarily suspended pending investigation of and hearing on the alleged violation. In the event that Respondent fails to pay costs as ordered, Respondent's license shall be suspended pending compliance.

8. This Order shall become effective upon the date of its signing.

Dated at Madison, Wisconsin this 10th day of December, 2008.

MEDICAL EXAMINING BOARD

By: S. Kailas MD
A Member of the Board

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	STIPULATION
PAUL J. SAMO, M.D.,	:	LS# _____
	:	
RESPONDENT.	:	

Division of Enforcement Case # 08 MED 240

Paul J. Samo, M.D., personally on his own behalf; and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement (case # 08 MED 240). Respondent consents to the resolution of this investigation by stipulation.
2. Respondent understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.
3. Respondent has been provided an opportunity to obtain the advice of legal counsel prior to signing this stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Medical Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by consideration of this attempted resolution.
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Medical Examining Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.
7. Respondent is informed that should the Board adopt this Stipulation, the Board's final decision and order is a public record and will be published in accordance with standard Department procedure.
8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Paul J. Samo, M.D.
23249 180th Street
Grundy Center, IA 50638

Date

Jeanette Lytle, Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date